

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**JEROME BITTINGS SR.**, individually and  
on behalf of all others similarly situated,

*Plaintiff,*

v.

**TELE-TOWN HALL, LLC**, a Virginia  
limited liability company,

*Defendant.*

CASE NO. 1:16-cv-09519

**NOTICE OF VOLUNTARY  
DISMISSAL PURSUANT TO  
FED. R. CIV. P. 41(a)(1)(A)(i)**

Plaintiff Jerome Bittings, Sr. (“Plaintiff”), hereby gives notice that the above captioned action is voluntarily dismissed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), with prejudice as to the claims of Plaintiff and without prejudice as to the claims of the unidentified putative class members, if any.

Fed. R. Civ. P. 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

**(1) By the Plaintiff.**

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

The Defendant has not served an answer or a motion for summary judgment, no class has yet been certified in this matter, and the dismissal of the claims of the putative Class is without prejudice. Therefore, Fed. R. Civ. P. 23's exceptions do not apply. Likewise, this case does not involve any Receiver so as to implicate Fed. R. Civ. P. 66. Thus, no order is necessary from the Court.

The parties are to bear their own respective attorneys' fees and costs.

Respectfully Submitted,

**JEROME BITTINGS SR**, individually and on  
behalf of class of similarly situated individuals

Dated: January 19, 2017

By: /s/ Adam T. Savett  
One of Plaintiff's Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 19, 2017, I served the above and foregoing papers by causing such paper to be filed with the Court using the Court's electronic filing system, which will send copies of such paper to all counsel of record. A courtesy copy was also emailed to Counsel for Defendant.

/s/ Adam T. Savett